

RESOLUTION NO. _____, SERIES 2007

A RESOLUTION AUTHORIZING THE OFFICE OF THE JEFFERSON COUNTY ATTORNEY TO BRING A CONDEMNATION ACTION AGAINST THE OWNER OF CERTAIN PROPERTY IN JEFFERSON COUNTY IN CONNECTION WITH THE BROWNSBORO ROAD/NEW CHAMBERLAIN LANE PROJECT (PARCELS 55 and 60).

SPONSORED BY: Councilman Kelly Downard

WHEREAS, the Louisville/Jefferson County Metro Government ("Metro"), pursuant to KRS 67C.101 (3)(f) may acquire real property for public uses through the exercise of the power of eminent domain; and

WHEREAS, KRS 416.560(1) requires the legislative council of Metro ("Council") to approve the exercise of the power of eminent domain prior to Metro's instituting such proceedings; and

WHEREAS, Metro (as successor to Jefferson County and the City of Louisville) has planned and designed the Kentucky 22, Section 3, Item No. 5-320.30 Project ("Project") in conjunction with Louisville/Jefferson County Metro Government Department of Public Works and Assets; and

WHEREAS, as a part of the Project, it is necessary to acquire additional rights of way and a temporary easement to widen Kentucky Highway 22 and Hitt Lane for the use and benefit of the citizens of Metro; and

WHEREAS, Metro has not been able to acquire the additional rights of way or the temporary easement described as a portion of Parcel 55 and a portion of Parcel 60 in the description attached hereto as Exhibit A ("Condemned Property") from the owner of the Condemned Property through good faith negotiations; and

WHEREAS, KRS 416.550 authorizes Metro to exercise its right of eminent domain against a property when it cannot acquire the property by agreement with the owner thereof;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL AS FOLLOWS:

Section 1: That in order to complete the Kentucky 22, Section 3, Item 5-320.30 Project Metro, Government needs to acquire fee simple interests in and a temporary easement over the Condemned Property, as described on attached Exhibit A and platted as Parcel 55 and Parcel 60 on the plat maps attached hereto as Exhibit B. The Condemned Property is a portion of the property acquired by Mary Opal Zoeller, Trustee under the Burkhardt John Zoeller and Mary Opal Zoeller Living Trust, dated the 19th day of April, 2004, by a deed dated November 5, 2004, of record in Deed Book 8521, Page 115, and a deed dated June 15, 2006, of record in Deed Book 9060, Page 154, both in the Office of the County Clerk of Jefferson County, Kentucky.

Since Metro cannot, by agreement with the owner of the Condemned Property, acquire the fee simple interests in or a temporary easement over the Condemned Property, then the Office of the Jefferson County Attorney is authorized to institute condemnation proceedings pursuant to KRS 416.560, *et seq.* against the owners of the Condemned Property.

Section 2: That the Council finds that fee simple interests in and a temporary easement over the Condemned Property need to be acquired for the public use of Metro.

Section 3: That this Resolution shall become effective upon its passage and approval.

Kathleen J. Herron
Metro Council Clerk

Rick Blackwell
President of the Council

Jerry E. Abramson
Mayor

Approved _____
Date

APPROVED AS TO FORM AND LEGALITY:

Irv Maze
Jefferson County Attorney

By: _____

KY 22 Eminent domain Zoeller
KY 22 Brownsboro Eminent Domain Zoeller Parcels 55 & 60 ROC Res.bkn,jab Draft 1.doc
Condemnation KY 22 Brownsboro Rd. Parcels 55 & 60 Res.ROC gk,bkn jab Draft 1.doc

10-18-07
10-18-07

EXHIBIT A

Parcel No. 55, A fee simple interest

Being a tract of land lying in Jefferson County along KY 22 approximately 1.2 miles east of the intersection of KY 22 and Interstate 265, and more particularly described as follows:

Beginning at a point in the existing right of way, said point being 24.26 feet left of KY 22 proposed centerline station 313+13.65; thence with the existing right of way and property line having the same bearing North 75 degrees 36 minutes 12 seconds East, 144.21 feet to a point in the proposed right of way, said point being 55.00 feet left of KY 22 proposed centerline station 314+51.98; thence with the proposed right of way line South 89 degrees 07 minutes 12 seconds East, 336.95 feet to a point in the east property line, said point being 47.76 feet left of KY 22 proposed centerline station 317+88.86; thence with the property line South 3 degrees 51 minutes 12 seconds West, 27.84 feet to a point in the existing right of way, said point being 20.00 feet left of KY 22 proposed centerline station 317+86.82; thence with the existing right of way line South 89 degrees 38 minutes 57 seconds West, 474.73 feet to the point of beginning.

The above described parcel contains .298 acres (12,991 sq. ft.).

Parcel No. 55A, A temporary easement for the purpose of entrance construction; said easement terminates and reverts upon completion of same.

Being a tract of land lying in Jefferson County along KY 22 approximately 1.3 miles east of the intersection of KY 22 and Interstate 265, and more particularly described as follows:

Beginning at a point on the proposed right of way, said point being 49.24 feet left of KY 22 proposed centerline station 317+20.00; thence with the proposed easement line N 0 degrees 21 minutes 03 seconds W, 20.76 feet to a point 70.00 feet left of KY 22 proposed centerline station 317+20.00; thence N 89 degrees 38 minutes 57 seconds E, 30.00 feet to a point 70.00 feet left of KY 22 proposed centerline station 317+50.00; thence S 0 degrees 21 minutes 03 seconds E, 21.40 feet to a point on the proposed right of way, said point being 48.60 feet left of KY 22 proposed centerline station 317+50.00; thence with the proposed right of way line N 89 degrees 07 minutes 12 seconds W, 30.01 feet to the point of beginning.

The above described parcel contains .015 acres (632 sq. ft.).

Being portions of the property conveyed to Mary Opal Zoeller, Trustee under the Burkhardt John Zoeller and Mary Opal Zoeller Living Trust, dated the 19th day of April, 2004, deed dated June 15, 2006, of record in Deed Book 9060, Page 154, in the Office of the County Clerk of Jefferson County, Kentucky.

Parcel No. 60, A fee simple interest

Being a tract of land lying in Jefferson County along KY 22 approximately 1.5 miles east of the intersection of KY 22 and Interstate 265, and more particularly described as follows:

Beginning at a point on the existing right of way, said point being 20.00 feet left of KY 22 proposed centerline station 326+65.26; thence with the west property line North 7 degrees 32 minutes 02 seconds West, 25.15 feet to a point in the proposed right of way, said point being 45.00 feet left of KY 22 proposed centerline station 326+62.49; thence with the proposed right of way South 89 degrees 11 minutes 39 seconds East, 142.76 feet to a point 40.00 feet left of KY 22 proposed centerline station 328+05.00; thence North 28 degrees 20 minutes 22 seconds East, 28.69 feet to a point 50.00 feet left of Hitt Lane proposed centerline station 50+70.00; thence North 3 degrees 45 minutes 55 seconds West, 79.87 feet to a point in the north property line, said point being 49.20 feet left of Hitt Lane proposed centerline station 51+49.86; thence with the property line North 89 degrees 15 minutes 07 seconds East, 31.76 feet to a point in the existing right of way of Hitt Lane, said point being 17.50 feet left of Hitt Lane proposed centerline station 51+47.87; thence with the existing right of way South 4 degrees 20 minutes 32 seconds East, 125.74 feet to a point 20.33 feet left of KY 22 proposed centerline station 328+53.34; thence 44.27 feet along an arc to the left, having a radius of 920.00 feet, the chord of which is North 89 degrees 49 minutes 33 seconds West, 44.27 feet to a point 20.04 feet left of KY 22 proposed centerline station 328+09.94; thence South 88 degrees 47 minutes 44 seconds West, 144.86 feet to the point of beginning.

The above described parcel contains .177 acres (7,729 sq. ft.).

Being a portion of the property conveyed to Mary Opal Zoeller, Trustee under the Burkhardt John Zoeller and Mary Opal Zoeller Living Trust, dated the 19th day of April, 2004, by a deed dated November 5, 2004, of record in Deed Book 8521, Page 115, in the Office of the County Clerk of Jefferson County, Kentucky.